

THE
LAWS AND ACTS
OF THE SECOND
PARLIAMENT,
Of our most High and Dread SOVERAIGN,
CHARLES

THE SECOND,

By the Grace of God, King of Scotland, England,
France and Ireland, Defender of the Faith

Begun at Edinburgh, the 19. of October, 1669.

By a Noble Earl, John Earl of Lauderdale, Viscount
Maitland, Lord Thirlestane, and Bolton, &c. His
Majesties Commissioner for holding the same, by ver-
tue of a COMMISSION under His Majesties Great Seal
of this Kingdom:

With the special Advice and Consent of the Estates of
Parliament.

Extracted from the Records of Parliament, be Sir ARCHIBALD
PRIMEROSE of Chester, Knight and Barronet, Clerk to His
Majesties Council, Registers and Rolls.

Edinburgh, Re-Printed by the Heir of Andrew Anderson, Printer to
the Kings Most Excellent Majesty, Anno Dom. 1679.

CUM PRIVILEGIO.

LAW AND ACTS

OF THE PARLIAMENT

OF GREAT BRITAIN

IN THE FIRST YEAR OF THE REIGN OF

CHARLES



By the Queen's Majesty, in the first year of the reign of

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Printed by J. Sturges, at the Sign of the Gun, in St. Dunstons Church-yard, London.



L A W S and A C T S made in the second
PARLIAMENT of our most High and Dread
Soveraign, **CHARLES** the Second,
by the Grace of **G O D**, King of Scotland,
England, France and Ireland, Defender
of the Faith.

I.

A C T asserting His Majesties Supremacy
over all Persons and in all Causes
Ecclesiastical.

November 16. 1669.



That His Majesty hath the Supreme Authority and Supremacy
A 2 over

He Estates of Parliament having seriously considered, how necessary it is, for the good and Peace of the Church and State, That His Majesties Power and Authority, in relation to Matters and Persons Ecclesiastical, be more clearly asserted by an Act of Parliament; Have therefore thought fit it be Enacted, Asserted and Declared, Likewise, His Majesty, with Advice and Consent of His Estates of Parliament, do hereby Enact, Assert and Declare,

over all Persons and in all Causes Ecclesiastical within this His Kingdom; and that by vertue thereof, the Ordering and Disposal of the External Government and Policy of the Church doth properly belong to His Majesty and His Successors, as an inherent Right to the Crown: And that His Majesty and His Successors may Settle, Enact and Emit such Constitutions, Acts, and Orders, concerning the Administration of the External Government of the Church, and the Persons employed in the same, and concerning all Ecclesiastical Meetings, and Matters to be proposed and determined therein, as they in their Royal Wisdom shall think fit. Which Acts, Orders and Constitutions, being recorded in the Books of Council and duly published, are to be observed and obeyed by all His Majesties Subjects, any Law, Act or Custom to the contrary notwithstanding. Likeas, His Majesty with Advice and Consent foresaid, doth Rescind and Annul all Laws, Acts and Clauses thereof, and all Customs and Constitutions, Civil or Ecclesiastick, which are contrary to, or inconsistent with His Majesties Supremacy as it is hereby asserted, And declares the same void and null in all time coming.

ACT

II.

ACT concerning the Militia.

November 16. 1669.



Orasmuch as by divers ancient Laws an Acts of Parliament, made in the Reigns of His *Majesties* Royal Ancestors, it is Statute and Ordained, That Weapon-showings be holden in ilke Shire several times in the year, at which the Lieges are appointed to be harnished and armed, according to their qualities and degrees; as at length is specified in these Acts. And it being declared by the fifth Act of the first Session of His *Majesties* late Parliament, That it is His *Majesties* Prerogative-Royal and undoubted Right, to have the power of raising in Armes the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes disposing thereof as He shall think fit. As also, the Estates of Parliament of this Kingdom, in recognisance of His *Majesties* Royal Prerogative foresaid, and in a further acknowledgement of their duty, Having, by the twenty fifth Act of the last Session of the foresaid Parliament, made offer to His *Majesty* of twenty thousand Footmen and two thousand Horsemen, sufficiently armed and furnished with forty dayes provision, to be raised from the several Shires of the Kingdom, according to the proportion exprest in that Act, to be in readines as they shall be called for by His *Majesty*, to march to any part of His Dominions of Scotland, England or Ireland, for any service wherein His *Majesties* Honour, Authority or Greatness may be concerned. And His *Majesty*, finding it expedient that the foresaid number of Foot and Horse should be modelled and trained in military discipline, to the effect they might be in greater readines and fitness for His *Majesties* Service when they should be called for, Having, by advice of His Privy Council, constituted and settled a Militia of Horse and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foresaid Act; and in some other Shires a Militia of Horse only; having thought fit in this exigent, for important reasons, to change their Foot into a proportion of Horse, suteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of Horse; And the Lords of Privy Council having, by His *Majesties* Order and Warrant, appointed Commissioners of the Militia in the several Shires, ordered the election of the inferiours Officers, appointed particular

particular dayes of Rendezvous, the way of listing of Foot-souldiers, ordered fit allowances to be given to the Foot and Horsemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; and having given several other Orders and Instructions concerning the ordering and disposing of the Militia, The Estates of Parliament do in all duty acknowledge His *Majesties* singular Wisdom and tender Care of this His ancient Kingdom, in constituting and settling the foresaid Militia. Likeas, His *Majesty*, with advice and consent of His Estates of Parliament, doth Ratifie and Approve the constitution and model of the Militia, as the same is established by His *Majesty*, with advice of His Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot and Horsemen the saids dayes of their Rendezvous; And all Acts, Commissions, Orders and Instructions past and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman six shillings *Scots*, and to each Horseman eighteen shillings *Scots*, every day of the Rendezvous, to be payed by the Heretors; And that the said six shillings to be payed to the Footmen, be refounded to the Heretors by the men-tennants and servants for whom the Footmen are put out, and who are not listed in the Militia. And also Statutes and Ordaines, that the Rendezvous be punctually kept, that Horse and Foot be duely outreiked and sufficiently armed, that Fractions with their proportions of the price of the Collours, Drums, Standarts, and Trumpets be timeously payed. Likeas, His *Majesty* with advice foresaid, doth give power and warrant to the Commissioners of the Militia in the respective Shires, to fine parties for the Souldiers absence from the Rendezvous, not exceeding six pounds *Scots* for the Horsemen, and two pounds *Scots* for the Footman absent ilk day of the Rendezvous; And likewise, such as shall be deficient in the outreik of Horse or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this present Act to the Horsemen or Footmen, the men-tennants and servants for whom the Footmen are put out, being alwayes lyable to relieve the respective Heretors of the payment of the fines aforesaid, in so far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or absents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedienc may be given to this present Act and Ordinance, His *Majesty*, with advice foresaid (without derogation from any power already given by the Instructions or Acts of Council) doth authorize and empower the Commissioners of the Militia in the respective Shires,

or any three of them (two of the *quorum* not being Officers) after trial taken that parties have been absent from the Rendezvous, or deficient in the outtreiks and payments for the same; to give order and warrant to any one of the Serjants of Foot of the respective Companies, or Corporals of Horse to be named by the saids Commissioners, to poid and distraine the Yearly Goods and Geer of these absent or deficient, wherever the same may be found, apprise and make sale thereof towards the payment of the sums specified in the said Warrant, and of the charges and expenses of the poiding and apprising; these charges alwayes not exceeding als much more as the sums for which the poiding shall be used. Likewise, His Majesty, with advice foresaid, constitutes the said person, to whom the foresaid Order shall be directed, Sheriff in that part, with power to him, by vertue of that Order, to poid the Goods without necessity of carrying the same to the Paroch Church or Mercat-cross of the head Burgh of the Shire to be apprised; and to do and act in the execution of the said Order, like as a Messenger-at Armes may do by the Law, in execution of Letters of poiding and apprising given under His Majesties Signet: Providing alwayes, that the goods poided be valued and apprised by two honest sworn men, whose oathes the said Sheriff in that part is authorized to take to that effect; And declares, That it shall be leifome to the party from whom the Goods shall be poided, to redeem the same within six dayes after the poiding, by payment of the sums, for which the poiding shall be used, expenses of the poiding foresaid, and twelve shillings scots each day during the not redemption. And in case the party do not redeem the goods poided within the space foresaid, declares that it shall be lawfull to the said Sheriff in that part to retain the goods or sell the same, with deduction of the third of the sum to which they were apprised, He alwayes being accountable for the price thereof to the Commissioners of the Militia, who are to see the party, from whom the Goods were poided, satisfied of the *superplus* of the price if any be of the Goods for which the poiding was used, expenses foresaid of the poiding, third part of the value to which the Goods were apprised, with twelve shilling scots ilk day during the space that the party had power to redeem, being alwayes deduced, and declares the said Warrant, being signed by three of the saids Commissioners (one of them only being an officer) to have the force and strength of an Decreet; and that there is no necessity of any Precept or Charge to follow thereon: And that the poiding and apprising so used, by vertue of the said Warrant, is and shall be als lawfull and valid, as if all the solemnities requisite and usual in poidings were observed, whereanent His Majesty, with advice foresaid, doth dispense in this case of th


the Militia. And it is declared, that these who are not sufficiently armed or mounted at the Rendezvous, shall be holden as absent therefrom, and shall be fined and pointed accordingly in manner foresaid. And for preventing debates that may arise the time of mustering, it is Declared, that Lieutenants and Cornets of Horse shall be reckoned of the number of Horsemen, appointed to be put out in the respective Shires: But prejudice alwayes to any of the saids Officers, so claim and sure payment of Fractions, if they be Leaders of Horse. As also, His Majesty, with advice foresaid, doth authorize and impower the Lords of His Privy Council from time to time, to appoint dayes of Rendezvous, and to give such further orders as shall be requisite for the full establishment of the Militia in every particular thereof; and to call for an account from the severall Shires of their procedure and diligence in settling the same. And commands and requires all His Majesty's Subjects of whatsoever degree or quality, to give due and ready obedience to all such orders and directions as they shall receive from His Majesty's Privy Council, relating to the Militia, under the pains and certification contained in any Act made, or to be made by them thereanent.

ACT

III.

ACT for registration of Instruments of Resignation ad remanentiam.


November 16. 1669.

UR Sovereign Lord, with the advice of the Estates of Parliament, Statutes and Ordains, That all Instruments of Resignation that shall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be registrate within threescore dayes after the date thereof, in the same manner and way and at the same rates as Renunciations, Seisings or Reversions: To the effect, the Lieges may the better know, that the Infeftment which was granted to the Resigners is thereby void and extinct, and that they may be put *in mala fide* to contract with the Resigner thereanent, or to comprise the same from him, otherwayes the said Resignation to be null. It is alwayes hereby Declared, That the Instruments of Resignation of Tenements, Lands and Fishings holden in free Burgage, being registrate in the Town Court Books of the Burgh, shall not fall within the certification of this present Act.

IV.

ACT concerning pointing before the dayes of the Charge expire.

November 16. 1669.

UR Sovereign Lord, with advice and consent of the Estates of Parliament, Statutes and Ordains, that hereafter it shall not be lawful to point moveables upon registrate Bonds, or Decrets for personal Debts, while the parties be first Charged, and the dayes of the Charge be expired: With certification, that pointing otherwayes used shall be null, and the pointers shall be punished and proceeded against as spouliers; But prejudice alwayes of any Decrets recovered at the instance of Heretors against their Tennents in their own Courts; whereupon it shall be lawful to them to use pointing as formerly; And but prejudice to Superiours to use pointing against their Vassals for their Few-duties, as they might lawfully have done of before.

V.

ACT for the security of the Persons of Ministers.

November 30. 1669.



Orasmuch as the Kings Majesty, considering how just and necessar it was, that the Orthodox Clergy should be protected from the violence of disaffected and disloyal persons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fifteenth of *March* and thirteenth of *June*, one thousand six hundred and sixty seven, command and charge all Heretors, Liferenters and others, having any real Interest or Rent within the severall Paroches of the Kingdom, to protect, defend and secure the Persons, Families and Goods of their Ministers, not only in the exercise of the Ministerial Function, but in their dwelling Houses; or being elsewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Persons or Goods, from the violence and invasion of any disaffected, disloyal or other wicked person: With certification, if the actors of such outrages should not be apprehended and brought to tryal, by the means and diligence of the Parochioners, the Parochioners should be decerned to pay to suffering Ministers for reparation, damage and interest, such a sum and fine as His Majesties Council should determine; as is more fully exprest in the saids Proclamations. And the Estates of Parliament, having taken to their consideration the proceedings of His Majesties Council herein; and finding that the protection of the Orthodox Clergy, and the restraining of the insolency of disaffected, disloyal and wicked persons at this time, did require more nor ordinary means and care from His Majesties Council; Have therefore thought fit, Likeas, His Majesty, with advice and consent of His Estates, doth hereby Ratifie and Approve the two Proclamations aforesaid, and the proceedings of His Majesties Council in prosecution thereof; and authorizeth them still to prosecute the same as occasion shal offer, until His Majesty in His next Parliament give farther Orders therein. And it is Declared, that this Act is and shall be but prejudice of any former Laws and Acts of Parliament made against the invaders of Ministers, and of the pains therein contained; And particularly the twenty seventh Act of the eleventh Parliament of King James the sixth, and seventh Act of King Charles the first His Parliament in Anno, 1633. Which Acts His Majesty, with advice aforesaid, doth hereby Ratifie and Approve, and Declares the same to stand in full force, strength and effect in time coming.

ACT

VI.

ACT for the ordering of Suspensions of the Benefices and Stipends of the Clergy.

November 30. 1669.



He Kings Majesty being careful that the maintenance of the Clergy be duely secured unto them, and that they be not withdrawn by unnecessar Law-sutes for recovery thereof; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain That no Suspension shall be past in time coming against any Archbishop, Bishop, Minister of the Gospel or Universities and Colledges, of any Charges to be given at their instances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have special Decrees against the Heretors or possessors due and lyable in payment thereof to them; except upon production of Discharges or consignation of the sums charged for, if the Rent of the Benefice or Stipend consist in money; or of one hundred merks Scots for ilk Chalder of Victual where the same consists in Victual, and proportionally if the Victual charged for be less then a Chalder, without prejudice to the Lords of Session to modifye a greater or less sum for the Chalder of Victual, as they shall find cause at the discussing of the Suspension. And if any Bill of Suspension of a general Charge shal be presented in time of Session, That the ordinary Lord upon the Bills, before the passing thereof, call for the Chargers at the Bar, that they may instruct the ground of the Charge: And in case it shall be found by the Lords of the Session, at the discussing of the Suspension, that either the Charge hath been maliciously given or maliciously suspended, That the Lords modifye a fifth part of the sum charged for, of expenses of Plea to be payed by the malicious Charger or Suspender.

VII.
ACT for Naturalization of Strangers.

December 8. 1669.



U R Sovereign Lord, out of His Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encrease and promoting of Trade and Manufactories, being graciously pleased and willing to give encouragement to Strangers to repair to, and dwell and reside within this Kingdom; Hath therefore thought fit; Likeas, His *Majesties* with advice and consent of His Estates of Parliament, doth hereby Statute, Ordain and Declare, That all Strangers, being of the Protestant Religion, either such who having Estates shall think fit to bring the same to this Kingdom, to dwell and inhabite within the same; or who shall come to set up new Works and Manufactories therein, and shall repair to, and settle their abode, dwelling and residence within this Kingdom; shall be, and are hereby naturalized as native born Subjects of the Kingdom of *Scotland*, and are to enjoy His *Majesties* Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all respects, as if they themselves had been born within the same; and that they shall have liberty and freedom of Trade, and freedom to buy and purchase Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the same by succession, purchase or donation, or any other way; and to dispose thereof and transmit them to their Heirs and Successors, who are to succeed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and shall belong to any native Subject born within this Kingdom. And further, His *Majesty* doth Declare, that upon applications to be made unto Him by these Strangers, He will grant unto them the free and publick exercise of their Religion in their own Languages, and the liberty of having Churches within

within this His Kingdom. It is alwayes hereby provided, that no person or persons shall have the benefit of this act, until first by Petition to the Lords of His Majesties Privy Council, containing an exact designation of their names, places of their birth and former residence, and that they are of the Protestant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that these presents, with an Extract of the Act of Council, in favours of the saids persons to the effect aforesaid, shall be unto them a sufficient Naturalization to all intents and purposes. Which Extract shall be given to them freely, without payment of any money or composition; save only the Fee of nine pounds Scots money to the Clerks of Council and their Servants.

ACT

VIII.

ACT concerning the Bullion.

December 8. 1669.



OUR Sovereign Lord considering, that by divers former Acts of Parliament made by the Kings Majesty and His Royal Ancestors, and specially by the thirty seventh Act of the first Session of His Majesties first Parliament, it is Statute and Ordained, that all and whatsoever Commodities yearly exported forth of this Kingdom, should be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoynded, and that for the yearly support of a stock of Coinage within the Kingdom, and for supplying of His Majesties Mint, being a part of His Prerogative Royal. And His Majesty and the Estates of Parliament, being still willing to support and encourage the same, and to provide for all necessary wayes and remedies for increasing the stock of Coinage within the Kingdom, and especially those that may be of most advantage, and may most encourage the Manufactories and the natural growth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the imposing of the said Bullion upon the Commodities imported, or some considerable part thereof, may very much contribute thereto; And being resolved, that His Majesties Mint should be hereby encouraged, and that no hurt or derogation should thereto occur by this change. Therefore, His Majesty, with advice and consent of His Estates of Parliament, Declares, That all and whatsoever native Commodities of this Kingdom, and others that shall be exported forth thereof, contained in the foresaid Alphabet of Bullion, after the second day of February next to come, one thousand six hundred and seventy years, shall be free, and are hereby discharged of the payment of all quantities of Bullion therein contained: And the Customers and their Deputies are hereby prohibited and discharged to take surety or pledges, or to use any other exaction upon the Merchants therefore, under all highest pain. And His Majesty, with advice foresaid, Rescinds and Annuls any Causes contained in the foresaid thirty seventh Act of the first Session of His Majesties first Parliament, or in any other Acts of Parliament, in so

so far allanerly as the same imposes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains, That the imported Goods and Commodities underwritten be lyable in payment of the several quantities of Bullion aftermentioned, viz. Spanish, Rhenish and Brandy-wines of all sorts, each Tun twenty four ounces, twelve denier fine; French-wines of all sorts, every Tun twelve ounces; Loaf-sugar the hundred weight, six ounces; Playing-cards, one ounce the gross; Paper for Printing and Writing of all sorts, one ounce every six rims; Gray-paper, every twelve rims one ounce; Deals every thousand five ounces; Single-trees, every thousand five ounces; Double-trees, every thousand ten ounces; Double-double-trees, and all other greater Fir-timber, every thousand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all sorts, every Tun two ounces; Onions and Apples, every two Barrals one ounce; Mum-beer, every Barral four ounces; Prunes, every Tun four ounces; Raisins, Currants and Figs, every Tun ten ounces; Iron-pots of all sorts, every dozen one ounce; Soap, every Barrel two ounces; Sugar-candy, every hundred weight ten ounces; Copper-kettles, Brass-pans, and all other made work in Brass or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thousand weight five ounces; Hats of all sorts, every three dozen two ounces; Window-glass of all sorts, every Chest one ounce; Limons and Oranges, each thousand one ounce; Hops of all sorts, every hundred weight one ounce; Spanish-leather, Marikin, Tanned-leather, Wild-leather, and all other sorts of leather, except Muscovia-leather, every hundred weight one ounce; Gloves of all sorts, each dozen one ounce; Whale-bane or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, that the Merchant or other importers of the abovementioned Commodities or any of them, make ready payment of the foresaid quantities of Bullion hereby imposed, to the Officers of His *Majesties* Mint for the time, being of the fineness of twelve Deniers, and being baser to be considered by weight and reckoning, and that immediately upon the entry of the said Goods; And in case the said importer shall fail to pay in the said Bullion at his entry, he shall be holden and astricted, to make payment of the sum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the said Goods; and which money so payed by him at his entry, shall be redeemable from the said Collectors, upon the payment of the foresaid quantities of Bullion in to the Officers of His *Majesties* Mint: Provided alwayes, such payment of Bullion be made within forty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, That it shall not be
lawful

lawful to the saids Tack-men, Collectors or their Deputies, to permit the saids importers to break Bulk, or to give them Transire's or other warrant thereanent, till first the saids Importers report or produce the Mint-masters receipt of the due quantity or Bullion payed *in specie*, or else, that the Tack-men Collectors or their Deputies, receive payment of twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; and for ilk ounce of Bullion of twelve Denier fine, so payed in to the Mint *in specie* by the Importer, he is to have delivered back to him in His *Majesties* Coin three pounds ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five shillings nine pennies *Scots*, and so proportionably conform to the fineness of the Bullion given in, and that in satisfaction of all Dues whatsoever that can be acclaimed by the Officers of the Mint, for His *Majesty* or otherways. And whereas, by the former Acts of Parliament made anent Bullion, the general Tack-men and Collectors of the Customs and their Deputies, were bound and obliged to take sicker Surety or Pledges, such as they would be answerable for, for the Bullion to be brought in and which then lay upon export; and that what rested not delivered to the Mint, the saids Tack-men, Collectors and their Deputies, were to be answerable therefore; And that by the constant practice of His *Majesties* Exchequer, the saids Tack-men and Collectors, by their Tacks and Commissions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then arising upon the export of this Kingdom. And lest His *Majesty* or his said Mint should sustain any hurt or prejudice, or be at any uncertainty by losing of these bonds, or by this change; Therefore it is hereby Statute and Ordained that all general Tack-men of His *Majesties* Customs of this Kingdom, general Collectors of the same and their Deputies present and to come, shall be, and are hereby bound and obliged; *virtute Officii*, and by the acceptance of their Tack or Office, to make count, reckoning and payment to the Officers of His *Majesties* Mint, of all and whatsoever quantities of Bullion that shall yearly arise upon the imported Commodities aforementioned, and which shall be delivered by the Merchant *in specie*; and also to make payment of all such sums of Money, as shall be payed by the Merchant to them, in place of Bulk, at the aforesaid rate of twelve shillings per ounce, to the General and Master of the Mint for the time being, and that quarterly; beginning the first quarters payment at the terme of *Whitsunday* next, one thousand six hundred and seventy and so forth yearly and quarterly thereafter. And whereas, the saids Tack-men, Collectors or their Deputies, were formerly holden and affected to give in exact accounts of the whole Commodities exported yearly forth of this Kingdom upon Oath,

ACT 8. King HENRY R. LES the II. 7.

Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the bullion now imposed upon the foresaids Commodities imported, may be als fully known: It is hereby Statute and Ordained, That the saids Tacksmen Collectors or their Deputies at all the Ports or Precincts within this Kingdom, shall give in yearly in Exchequer the exact account of the severall quantities of the Commodities, whereupon Bullion is hereby imposed, and that upon Oath, at the feast and terme of *Martinas* yearly: As also, to exhibite and produce the subscribed Entries by the Marchants of the foresaids Goods imported; and for that effect, that Letters of Horning be directed against the said general Collectors, Tacksmen and their Deputies, by the Lords of His *Majesties* Exchequer, upon a charge of six dayes: And it is hereby declared, That the saids Tacksmen, Collectors or their Deputies shall be holden and astricted to deliver to the importer, Certificates of the forsaide Bullion *in specie*, or of the Money payed therefor at the rate foresaid, *gratis*. And whereas by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in specie* or to pay money for the same, at the rate of twelve Shillings *per ounce*, and that the Money so payed is to be delivered to the General and Master of the Mint, by the saids Tacksmen Collectors and their Deputies, and thereby the said General and Master are obliged to import the stock of Bullion themselves: Therefore it is hereby Statute and Ordained, that the saids Officers shall be obliged to Coin the said Bullion so imported by them, and to make the same pass His *Majesties* Irons, and that the saids Officers be controled by their Letters of receipt of the saids sums of Money granted by them, to the saids Tacksmen, Collectors and their Deputies. And it is hereby Declared, That the foresaids whole Commodities imported after the foresaid day, shall be liable to the severall proportions of Bullion above specified, notwithstanding of any Act or Acts of Parliament formerly made, or to be made in this present Parliament, in favours of any Manufactories, Companies of Fishing or Trade, or other Acts whatsoever, which are hereby Declared not to impede the payment of Bullion imposed upon the imported Goods foresaids, in manner abovementioned.

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ACT

ACT 2. King CHARLES the 11. TO II

cent, according to the value of the said Goods; And the Excise of the said Commodities is to be payed at the entring of the same in the Excise-office, unless the said Excise-duty exceed the sum of one hundred Marks *Scots*; in which case, the said Importers shall be obliged to give sufficient security for payment of the said Excise-duty, within six Moneths after the entring of the same; they making it alwayes evident, that no Merchant shall make entry of any Goods, but what properly belongs to himself. And for further encouragment of Trade and Traffick, It is Statute and Ordained, that all Goods and Merchandise whatsoever imported, and which shall be instructed to be really exported, within twelve Moneths after the entring thereof, shall be free of Excise; and in case of payment thereof, the same shall be repayed at the exportation of the said Commodities, the Importers alwayes making faith, that the Commodities exported, are the same which were imported and entred; and in case bond of security hath been given for the Excise of the said Commodities, the same shall be returned unregistrat, or discharged if the same be registrat. And for the regulating of the Excise of Salt, and the better levying and inbringing of the same, His Majesty, with consent foresaid, Statutes and Ordains, that the Importers of forraign Salt of all sorts, at their entring of the same at the Excise-office, shall give sufficient security for payment of the Excise thereof conform to the Rates contained in the foresaid fourteenth Act, and that the Importers shall be obliged by the said security, to pay the saids respective Excise-duties; for such parcels of the said Salt as shall be retailed, when and as the same shall happen to be retailed, and to pay compleatly the whole Excise of the said Salt, within twelve Moneths after the entring thereof, and that whether the said Salt hath been expended and employed upon the curing of Fishes or not; Providing alwayes, their be abated and allowed to them, the Excise of all Salt that shall happen to be cast away at Sea; And likewise, the Excise of Salt expended upon Fishes, that may happen to be cast away betwixt one Port and another, before the same be entred, to be exported out of this Kingdom, the wraik and quantities of the Salt or Fishes lost thereby, being alwayes sufficiently instructed. And further, it is Ordained, that all In-land Salt consumed within this Kingdom, whether the same be expended upon Fishes or employed otherwise, shall be lyable to the duty of Excise, exprest in the said Act, which shall be payed by the first buyer thereof, and that before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foresaid, that the Excise-duties *respective* above-mentioned, should be payed for Forraign and In-land Salt, whether the same be employed upon Fishes or otherwise, and that in respect of the great difficulties, to clear and make appear what Salt is employed upon Fishes or not, and that

His

ACT 10. King CHARLES the 11. 19.

for within twenty years, shall prescribe in all time thereafter ; Except the pursuer offer to prove, by the defenders Oath, the verity of the saids Holograph Bonds and Letters, and Subscriptions in the Compt-books. It is alwayes hereby Declared, That Prescriptions shall not run in any of the Cases foresaid, against Minors during the years of their Minority.

X.

ACT concerning Interruptions.

December 8. 1669.



OUR Sovereign Lord with advice and consent of the Estates of Parliament, Statutes and Ordains, that all Interruptions, as to the Rights of Lands be citations, shall in all time hereafter be execute by Messengers at Arms, and against the defenders personally or at their dwelling places, and at the Paroch Churches in the time of Divine Service, or immediately after; And in case the Parties be forth of the Kingdom, at the Mercat-crofs of *Edinburgh*, and Peer and Shore of *Lieth*, upon three-score dayes. And that all Citations that shall be made use of for Interruptions, whether in real or personal Rights, be renewed every seven years, otherwayes to prescribe; Except the Parties be Minors: In which case this Act is not to be extended against them, during the years of their Minority.

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ACT

XI.

ACT concerning the forfeiture of persons in the late Rebellion.

December 15. 1669.



OUR Sovereign Lord and His Estates of Parliament, having considered the Process of Treason, pursued and deduced at the instance of Sir John Nisbet of Dryloun, His Majesties Advocate, by Warrant and Order of His Majesties Privy Council before the Justice, against the persons after-mentioned, for their treasonable rising in Armes, and being in, and having accessions to, the late Rebellion in the Western Shires, in the year of our Lord, one thousand six hundred and sixty six; with the Libels, Interloquiturs, Probations, Depositions of Witnesses, and the verdicts of Inquests and dooms of Forfeitures proceeding thereupon: Do find, that the Justice and their Assessors appointed by the Council in the said Process, in finding the said Libels to be relevant, and admitting the same to the knowledge of Inquests; and the foresaid Inquests in finding the same to be verified and proven; and in giving their verdicts and dooms of Forfeiture thereupon *respectively*; Have proceeded justly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their Proceedings, Interloquiturs, Verdicts and respective Doms and Sentences of Forfeiture given and pronounced by them in the said Process, *viz.* The Sentence and Doom of Forfeiture pronounced against Collonel James Wallace, Joseph Lermont, M'ckellan of Barscobe, Mr. John Welch, Mr. James Smith, Patrick Listoun in Calder, William Listoun his son, William Porterfield of Quarreltoun pronounced upon the fifteenth day of August, in the year of God, one thousand six hundred and sixty seven years; And the other Sentence and Doom of Forfeiture pronounced against William Muir of Caldwell, Caldwell, eldest Sonne to the Good-man of Caldwell, Robert Ker of Kersland, Mr. John Cunninghame of Bedland, Alexander Porterfield, Brother to Quarreltoun, John Maxwell of Monreith younger, M'ckellan of Belmagahan, Mr. Gabriel Semple, Mr. John Guthery, Mr. Alexander Pedan, Mr. William Veitch, Mr. John Crookshanks, Patrick Mcknaught in Cumnock, upon the sixteenth day of August, in the said

ACT II. King. CHARLES the II: 21.

said year of God, one thousand six hundred and sixty seven years: And Decerns and Ordains the saids Proceſs and Dooms, and Sentences of Forfeiture foresaid, to be valid and effectual to all intents and purposes, notwithstanding that the saids persons found guilty and convicted of the crimes foresaid, did not compear in the saids Proceſs; And Declares, that the said Sentence and Dooms of Forfeiture shall be of als great force and strength, as if the saids persons had compeared, or the same had been pronounced in Parliament. And His *Majesty* with consent foresaid, doth Approve His said Advocats service in the said affair. And in respect it were against reason and justice, that when any person or persons are accused of high Treason, for rising in Armes against His *Majesty*, or His Authority, when they are cited to underly the Law before the Justice, if they do not appear, that their absence and contumacy, which ought to be an aggravation, if any can be, of so high and horrid a crime, should be of any advantage to them: Therefore, His *Majesty*, with consent foresaid, doth Statute and Ordain, that in time coming in all such cases of treasonable rising in Armes, and open and manifest Rebellion against His *Majesty* or His Successors and their Authority, His *Majesties* Advocate for the time, may and ought to insist against, and prosecute such persons as he shall be ordered by His *Majesty* or His Privy Council to pursue: And if they be cited and do not appear, the Justice notwithstanding of their absence, may and ought to proceed to consider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the same to the knowledge of an Assize, and upon the verdict of the Inquest, finding the same to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the same manner, as if the persons accused had compeared and were present. And His *Majesty*, with consent foresaid, doth remit to the Justice General, Justice-Clerk or Justice-Deputes, the Summons and Proceſs of Treason, intended at the instance of His *Majesties* Advocate, against certain persons therein mentioned, for their accession to the said Rebellion, and depending before His *Majesty* and the Estates: With power to them to proceed, notwithstanding of the absence of the saids persons; And if the saids Summones be found relevant and proven by the verdict of Inquest, to pronounce the Sentence and Doom of Forfeiture thereupon.

ACT

XII.

ACT concerning the Excise and Customes.

December 15. 1669.



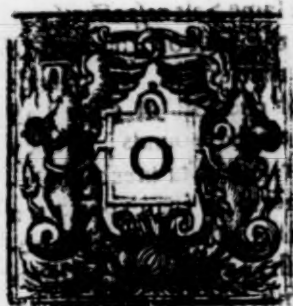
Orasmuch as many debates, questions and inextricable difficulties do and may arise, in levying and inbringing of the Excise, imposed by the fourteenth Act of the first Session of His *Majesties* first Parliament, to the great prejudice of His *Majesty*, and of the Trade of this Kingdom: Therefore, and for preventing and clearing of the same, and to the effect, the said Excise may be more orderly and easily levied and collected, His *Majesty*, with advice and consent of His Estates of Parliament, Statutes and Ordans, That notwithstanding the said Excise is due and payable by the Retailers, yet the Importers shall be layable for the same in time coming, at the rates contained in the said Act, for Wines of all sorts, Vinegar and Salt, as they are particularly exprest therein, and that under the provisions after-specified: To wit, that what shall not be payed by the Retailers, shall be compleatly made up by the Importers, within twelve Moneths after the importation thereof, for which they are to give sufficient security to the Farmers or Collectors of His *Majesties* Excise, at the entry of the saids Wines, which are to be according as they shall be loaded at the Port from whence they came; And for the said Importers, their greater ease and encouragement, His *Majesty*, with consent foresaid, doth Statute and Ordain, that the Collectors or Farmers of His *Majesties* Excise in all time coming, shall grant abatement to the said Importers of the fourth part of the said Excise duties of all Wines and Vinegar imported and entred by them, in consideration and upon the account of leakage and decayed Wines, and other hazards and inconveniencies. And further, It is Statute and Ordained, [for the encouragement and greater ease and advantage of Trade and Merchants, that the Importers of all other Goods and Commodities, except what is excepted from the duties of Excise by the foresaid Act of Parliament, shall pay the Excise thereof, according to the Books of Rates for His *Majesties* Customs, and as the saids Commodities are and shall be valued and rated in the same; And if any of the saids Commodities be not contained in the Books of Rates, the Excise of the same is declared to be five per-

cent.

IX

ACT concerning Prescriptions.

December 8. 1669.



OUR Sovereign Lord, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all Arrestments to be used hereafter upon Decrets, registrate Bonds, Dispositions or Contracts, not pursued and insisted on within five years after the laying on thereof, shall after that time prescribe, And that all Arrestments already used upon the ground aforesaid, shall prescribe within five years after the date hereof. And that all Arrestments, used or to be used upon dependance of Actions, shall likewise prescribe within five years after Sentence is obtained in the saids Actions, if the saids Arrestments be not pursued or insisted on within that time, And likewise, His Majesty, with advice foresaid, Statutes and Ordains, That Ministers Stipends and Multars not pursued for within five years after the same are due, And likewise Mails and Duties of Tennents, not being pursued within five years after the Tennents shall remove from the Lands for which the Mails and duties are craved, shall prescribe in all time coming: Except the saids Ministers Stipends, Multars, Mails and Duties shall be offered to be proven to be due and resting owing, by the defenders their Oaths, or by a special writ under their hands acknowledging what is resting owing; And that all Bargains concerning moveables or sums of money, probable by Witnesses, shall only be probable by Writ or Oath of Party, if the same be not pursued for within five years after the making of the Bargain. And further, His Majesty, with advice and consent foresaid, Statutes and Ordains, That all Actions proceeding upon Warnings, Spuilzies, Ejections, Arrestments, or for Ministers Stipends and others foresaid, shall prescribe within ten years, except the said Action be awakened every five years: But prejudice alwayes of any of the saids Actions, which by former Acts of Parliament are appointed to prescribe in a shorter time. And also Statutes and Ordains, That Holograph missive Letters, and Holograph Bonds, and Subscriptions in Compt-books without Witnesses, not being pursued for

His Majesty may be prejudged of the Excise of Salt, upon groundless pretences, that the same hath been, or is to be employed upon Fishes; Yet, nevertheless, His Majesty being most willing to give all due encouragement to the Trade of Fishing, and that whatsoever Salt shall be employed and expended in order to the said Trade, and upon the curing of Fishes to be exported, shall in effect be free of Excise; and upon, and after mature and exact consideration of the quantity of Salt, necessary and sufficient for each Last of Herring and White-fish of any kind, and of each Last of Salmond, and what the Excise of the same Salt *respectivé* will amount to, finding that the Excise of the Salt of the Last of Herring and White-fish, will amount to the sum of ten pounds four shillings *scots*, and that the Excise of the Salt of each Last of Salmond, will amount to the sum of twelve pounds, money foresaid. His Majesty, with consent foresaid, Statutes and Ordinances, that there shall be no Custom exacted at the exportation of the saids Herring and White-fish, and that whatever the foresaid ten pounds four shillings of Excise, shall exceed the Custom payable for the saids Herring and White-fish, at the exportation thereof, shall be duly and timeously payed to the Merchant exporters, without any delay, reward or abatement for each Last of Herring and White-fish of any kind whatsoever that shall be exported out of this Kingdom: And that the foresaid sum of twelve pounds, for the Excise of the Salt of each Last of Salmond, at the entry and exportation shall be payed to the Heretors, Life-renters and others, from whom the Marchant exporters bought these Salmond, they alwayes producing Certificates from the respective Heretors and others, making up the just quantities contained in their Entries; upon which Certificate, the foresaid sum of twelve pounds is to be payed, to the Heretors and others from whom these Salmond were bought, or to any having their warrant to receive the same; which sums *respectivé* above-written, for the Herring, White-fish and Salmond, are to be payed in manner above-specified, by the Collectors at the respective Ports where the same shall be entered, for whom, the Farmers and principal Collectors of the Excise are to be answerable and careful that the same shall be punctually payed; and in case of not punctual payment; they shall be lyable for the parties damage; providing alwayes, that the said Herring, White-fishes and Salmond, be duly entered in the Excise office, and the exportation thereof sufficiently instructed to the Collectors, so as they may certifie the same under their hands. Likewise, His Majesty, with advice foresaid, doth inhibit and discharge the Collectors or Farmers of Excise upon any pretext, to give any ease or abatement of the fourty shillings *scots* imposed by the foresaid fourteen Act, upon ilk Boole of forraign Bay-salt, *Limishgon* measure, imported into this Kingdom: Certifying them, if they contraven,

contraveen, the saids Collectors shal suffer deprivation of their Office, and the saids Farmers shall loose the benefit of their Tack of the Excise, and shall be further lyable to the payment of such fines and penalties, as the Lords of Exchequer shall think fit to inflict. And for the better inbringing of the Excise of the said In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, shall be obliged to exhibite and produce to the Collectors or Farmers of Excise or their Deputies, when they shall be required, their Compt-book of all Salt sold, to be perused by them, and returned within the space of twenty four hours, to the effect, it may be known what Salt is consumed, and that the Excise of the same is duely payed, whereupon they are to make faith, if they be required, and that they have sold nor disposed upon no more nor is contained in the said Books; And sicklike, the Saltars of every Salt-pan shall be obliged to give an account to the Collectors of the said Excise of the Salt appertaining to them any manner of way, and what they have sold of the same, and to instruct, that the same hath been duely entred in the Excise-office, and that the Excise duty of the same hath been payed, whereupon, and that they have sold no more but what hath been duely entred, they are Ordained to make faith if they be required; It is alwayes provided, that where Excise-offices are in the Town or place where the Salt is made, the Salt-masters, their Greeves or Salters, shall be holden to repair to the Excise-office, to the effect foresaid, if they be required; but if there be no Excise-office in these places, the Collectors or Farmers of Excise or their Deputies are appointed to convene them at the respective Salt Ginals, or Salt-pans where the Salt is made, and the saids persons shall not be obliged to go any further. And in like manner, His Majesty considering, that divers questions and debates may arise, anent the interpretation of severall Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Excise or Custom of certain Goods, which are the Materials of the said Manufactories; Doth hereby, with consent foresaid, Statute, Ordain and Declare, That no Manufactory shall have the benefit thereof, excepting such as shall be, or hath been lawfully erected since the first day of January, one thousand six hundred sixty one years, and shall be found by the Lords of His Majesties Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the same. And further, His Majesty understanding, that if after so large expressions of his Majesties Royal care and tendernefs for the advancement of Trade and ease of Merchants, any shall be so unfaithful as to presume to conceal and abstract the Goods imported by them, thereby evading

the payment of the Custom and Excise due and payable to His *Majesty*; not only His *Majesty* will be prejudged of His Custom and Excise, but also the Trade of Merchandise will be much endamaged by the said Merchants their underselling others, who do honestly make true entries of their Goods, and pay the duties of Custom and Excise. Therefore, for preventing of the said prejudice and abuse, His *Majesty*; with consent foresaid, doth give power and warrand to the Collectors of Custom and Excise, or to their Deputies, to call and pursue such persons who shall wilfully and wickedly conceal and abstract their Goods, or any part thereof, and not duly enter the same, or who shall be accessory, or any wayes aiding and assisting to the concealing or abstracting thereof; and that before the Lords of His *Majesties* Exchequer, if the saids persons dwell and reside within twelve miles of the place where the saids Lords shall happen to sit for the time, or in their option, before any other competent Judge: And in case the saids persons live at farther distance, it shall be lawful to the said Collectors or Farmers, or their Deputies, to pursue them before the Sheriffs, Stewarts of Stewartries, or Bailiffs of Regalities, Magistrates of Burghs, or any other competent Judges, who are hereby required to take due and speedy tryal of the premises, and to admit probation thereof by writ, witness, oath of party or otherwise according to Law, any Act or Acts of Parliament, or Clauses therein contained to the contrary thereof notwithstanding. And to the end, that His *Majesties* Lieges and Merchants, upon the occasion and pretence foresaid, be not unjustly molested and troubled, It is Ordained, that the saids Procefs and Pursutes shall be intended within three Moneths after the fraudulent abstracting and imbezleing foresaid; and that these at whose instance they shall be pursued, shall be obliged to give their oaths *de calumnia*, if thereto required, that the saids pursutes are not intended of malice, but upon credible information, and that they have just reason to pursue, as they conceive. And in case any Merchant, Skipper, Mate or Marri-ner, or other person shall be found guilty of, or accessory to, the said imbezeling, in concealing or abstracting any Goods which ought and should have been entered; It is Statute and Ordained, that the said delinquents shall be imprisoned for the space of twenty four hours, and untill they make payment of the full price and value of the Goods which shall be found to have been abstracted by them, and shall be further fined by the Lords of His *Majesties* Exchequer, as they shall see cause. And in case any Goods shall be found and seised, upon account that they were concealed and not duly entered, they shall not only be detained and confiscate without redemption, but also the Owners of the said Goods, and all others who shall be found
to

• ACT 12. King CHARLES the II. 27

to be accessory or aiding to the concealing or abstracting of the same, shall be imprisoned for the space of twenty four hours, and such fines and other punishment shall be imposed and inflicted upon them, as the Lords of Exchequer shall appoint. And that the Collectors of His *Majesties* Customs and Excise and their Deputies, at the making their accounts of their intromission with the Custom and Excise duties, shall be holden and obliged to give their oaths upon the truth of these accounts to be given in by them. And it is provided and declared by His *Majesty*, with consent foresaid, that the foresaid Act of His *Majesties* first Parliament, whereby the Excise is imposed, shall stand, and is and shall be of full force; except in so far as the same is altered, innovat, qualified and taken away in manner above-mentioned.

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ACT

XIII.

ACT for annexation of Orknay and Zetland to the Crown

December 17. 1669.

Inasmuch as the Isles of Orknay and Zetland are a great and so considerable a part of this His Majesty's ancient Kingdom; that for divers Ages they were the occasion of much trouble and expence of blood and money, for maintaining thereof against the invasion of Forraigners, and recovering the same out of their hands by Arms and Treaties; And the saids Isles being of a great and large extent of bounds, and so remote and at such a distance from the ordinary seat of Justice and Judicatories, that the Inhabitants within the same are not able to travel in the winter season; and at other times cannot, without great trouble and expences, repair to the said Judicatories to complain when they are oppressed and grieved. It is not only fit in order to His Majesty's Interest, but will be the great advantage of His Majesty's Subjects dwelling there, that without interposing any other Lord or Superior betwixt His Majesty and them, they should have an immediate dependance upon His Majesty and His Officers, being their great security against Forraign attempts and oppression at home. And seeing it is most expedient and necessary, that a publick Patrimony and certain Revenue in Lands, Lordships and others, should be settled upon, and annexed unto His Majesty's Crown, for supporting of His Royal Estate and Government, and the great and necessary charges of the same, which if not defrayed out of His Majesty's own Property and Revenue, would unavoidably be, and be a heavy burden upon His Majesty's Lieges: And to that purpose, divers Acts of Annexation have been made from time to time, and in specially the Earldom of Orknay and Lordship of Zetland, with the pertinents of the same, were annexed to the Crown in the years, one thousand five hundred and forty, and one thousand six hundred and twelve, *respective*. And yet, importunity prevailing with His Majesty and His Royal Father, their goodness and inclination to gratifie their Subjects, they have been induced to give away and part with so great a Jewel of their Crown, and to dispoise and grant Rights of the said Earldom and Lordship; which being found to be to the great prejudice of His Majesty, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this

this Kingdom, by a Decreet of the Lords of Session, obtained upon the twenty fifth day of *February* last by-past, at the instance of Sir *John Nisbet* of *Dirletoun* Knight, His *Majesties* Advocat, for His *Majesties* interest, against *William* Earl of *Morton*, *Charles* Lord *Dalkenb* his son, *George* Viscount of *Grandistoun*, and certain other persons therein mentioned; the saids Lords by their Decreet foresaid, have reduced the Contracts, Dispositions, Infeftments, Acts of dissolution, and other Rights therein mentioned, made and granted by His *Majesty* and his Royal Father, to, and in favours of, the diseased *William* Earl of *Morton*, Grandfather to *William* now Earl of *Mortoun*, and the said *George* Viscount of *Grandistoun*, of the said Earldom of *Orkney* and Lordship of *Zetland*, with the Rights also therein mentioned depending thereupon: And the saids Lords have found and declared, that His *Majesty* hath good and undoubted Right to the said Earldom and Lordship, as His annexed property, for the reasons therein contained; as the said Decreet at length proports. Therefore, His *Majesty*, with advice and consent of the Estates of Parliament, doth Ratifie and Confirm the said Decreet, and Ordains the same to be of full force, strength and effect in all time coming; holding and willing this their Ratification to be als sufficient and effectual, as if the said Decreet and whole tenor of the same were insert herein. And His *Majesty*, following the laudable example and practice of His Royal Predecessors, doth, with consent foresaid, Ratifie the said former Annexation of the same to the Crown; and without prejudice thereof, doth of new again unite, annex and incorporate to His Crown of this His ancient Kingdom, to remain inseparably with the same in all time coming, the said Earldom of *Orkney* and Lordship of *Zetland*, with all and sundry Isles, Holmes, Udal-lands and other Lands whatsoever, of what name and by what designation soever the same are or may be known, lying within the Sheriffdom of *Orkney* and pertaining to the said Earldom and Lordship, and belonging to His *Majesty* in manner foresaid, in Property or Superiority, or by any other Right or Title, together with all Castles, Towers, Fortalices, Milns, Multars, Fishings, Annual-rents, Reversions, Patronages of Kirks, and Teinds Parsonage and Vicarage pertaining to His *Majesty* within the bouds foresaid; And all and whatsoever Mines of Gold, Silver, Copper and other Minerals within the foresaid bounds, with the heretable Office of Justiciary, Sheriffship and Foudrie and Admiralty within the foresaid Isles, and belonging to the said Earldom and Lordship, with all other Parts, Pendicles and Pertinents, Casualties, Priviledges, Jurisdictions, Offices and others whatsoever pertaining to the same; All which, His *Majesty*, with consent foresaid, doth unite and annex to His Crown, Declaring the generality foresaid to be sufficient to the intent and effect foresaid, as if each Part, Parcel, Pertinent,

ment, Office, Patronage or Priviledge belonging to the said Earldom and Lordship were herein exprst. And it is Statute and Declared, That the said Earldom and Lordship, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foresaid, shall remain therewith in all time coming; and that the same or any part thereof shall nor, not may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Pension or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Disposition whatsoever, to any person or persons of whatsoever estate, degree or quality they be, without advice, Decreet and Deliberation of the whole Parliament; and for great weighty and reasonable causes concerning the good, welfare and publick interest of the whole Kingdom, first to be proposed and to be advised, and maturely pondered and considered by the Estates, *re integra*, before any previous Grant, Right or Deed be given, made or done by His *Majesty* or His Successors, concerning the disposition of the said Earldom and Lordship or any part thereof, which may any wayes predetermine them or the Estates of Parliament, and prejudice the freedom of their Deliberation and Consent. And if at any time hereafter it shall be thought fit to dispoise or grant any Right of any part of the said Earldom and Lordship, It is Declared, that the general narrative of good services, weighty causes and considerations shall not be sufficient; but the particular causes and considerations whereupon His *Majesty* and His Successors may be induced to grant, and the Estates to consent to such Rights, are to be exprest; that it may appear, that the same is not granted through importunity, or upon private suggestions or pretences, but for true, just and reasonable causes and considerations of publick concernment. And farther, it is Declared, that if any general Act of Dissolution of His *Majesties* property shall be made at any time hereafter; The said Earldom and Lordship, and others above-mentioned and annexed, shall not be understood to fall or be comprehended under the same; And if the said Earldom and Lordship, or any part thereof, shall be annallied or dispoised, or any Right of the same shall be granted otherwayes then is appointed and ordained in manner above-mentioned; His *Majesty*, with consent foresaid, doth statute and declare, That all Dispositions, Infeftments and other Rights of the said Earldom and Lordship, or any part thereof which shall be granted contrary to this present Act, with all Acts of dissolution and Ratification and other Acts of Parliament concerning the same, shall be from the beginning and in all time coming void and null, and of no effect: And notwithstanding thereof, that it shall be lawful to our Sovereign Lord and His Successors for the time, to take back and receive at their pleasure for their own use, without any process

Process of Law, the Lands and others above-annexed, or any part thereof which shall be annallied or disposed; and these in whose favours any such Rights and Alienations shall be made, shall be countable for, and lyable to refund and pay all profits, intromission or benefit taken, uplifted or enjoyed by them in the mean time: And it is Declared, That all other Clauses, Articles and Provisions contained in any former Act or Acts of Annexation to the advantage of His *Majesty* and His Crown, are and shall be holden as repeated and insert herein. And farther, His *Majesty*, with advice and consent of the Estates foresaid, hath suppressed the said Office of Sheriffship, and hath erected, and hereby erects a Stewartry within the bounds foresaid of the said Earldom and Lordship, and Isles of *Orkney* and *Zetland*, to be called in all time coming, *The Stewartry of Orkney and Zetland*; Ordaining the Tenents, Possessors and Inhabitants within the bounds foresaid, and other persons who were formerly answerable and lyable to the jurisdiction of Sheriffship and Foudrie above-mentioned, to be answerable to His *Majesties* Stewart of the said Stewartry, with all Priviledges competent to any Stewartry of His *Majesties* Property within this Realm. Likeas, it is Declared and Statute, that the foresaid Office of Stewartry shall not be given heretably to any person or persons and their heirs, without advice and consent of Parliament in manner above mentioned; and all Rights of the same which shall be granted otherwayes at any time hereafter, shall be from the beginning and in all time coming null and void. It is alwayes Declared, that this Act and Annexation foresaid shall not prejudice the Bishop of *Orkney* of his Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Successors shall be in the same case as they were before the making hereof. And likewayes it is Declared, that the Annexation foresaid and the suppressing of the said Office of Sheriff, and the erecting of the said Stewartry shall be without prejudice to his *Majesties* Vassals within the said Isles, of their Liberty and Priviledge to have and send Commissioners to Parliament, to represent them in the same manner as they did or might have done formerly.

ACT

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.



U R Sovereign Lord considering, that by the eleventh Act of the third Session of His *Majesties* late Parliament, liberty is granted to export Corns of all sorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Pease under eight merks the Boll. And seeing, by reason of several Duties formerly imposed upon Corns, the exportation thereof hath been hitherto obstructed; And his *Majesty* being desirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the same: Hath therefore thought fit, Likewise, His *Majesty*, with advice and consent of His Estates of Parliament, doth Statute and Declare, That all Corns which shall be exported in time coming by His *Majesties* subjects forth of this Kingdom, shall be free, and are hereby discharged of the payment of Custom, Bullion, and all other Duties whatsoever, except one Merk *scots* allenerly for ilk Chalder. And lest any considerable prejudice should thereby ensue to His *Majesties* Customs, it is Statute and Ordained, That the Duties after-mentioned are and shal be imposed upon the Commodities following, *viz.* Ten shillings *scots* upon ilk Barrel of Tar, and twenty shillings *scots* upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impositions put thereon; and the Customers, Collectors and their deputies are hereby appointed and empowered to uplift the same accordingly. And for preventing any debates that may arise anent the respective prices of the Viſtural, when the same are under or above the rates exprest in the said Act; His *Majesty*, with advice foresaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the same; And Declares, that it shall be lawful to His *Majesties* Subjects to export Corns of all sorts, unless by a Proclamation or publick Intimation from the saids Lords of Council, they be prohibited and discharged to do the same. And Ordains this Act to begin and take effect upon the second day of February next to come.

XIV.

ACT for regulating the prices of Ale and Drinking-beer, and Maltmen.

December 23. 1669.



U R Sovereign Lord considering that it is most agreeable to reason and equity, and of universal concernment to all His Majesties Subjects, and specially to those of the meaner sort, that a due proportion be observed betwixt the price of the Boll of Beer, and the Pint and other measures of Ale and Drinking-Beer vented and sold within this Kingdom, that thereby the liberty taken by Brewars and Vintners, to exact exorbitant prices for Ale and Drinking-beer at their pleasure may be restrained. Therefore His Majesty, with advice and consent of His Estates of Parliament, doth recommend to, and authorize the Lords of His Majesties Privy Council from time to time, after consideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and set down the prices of all Ale and Drinking-Beer, vented and sold in the several Shires and Burghs of the Kingdom, as they shall think just and reasonable; And likewyses to set down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like maner as betwixt the price of the Ale and the Boll of Beer: With power to the saids Lords of Council to make and emit such Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict such censures, pains and penalties upon the contraveeners of these Acts and Orders as they shall think fit; and to do all other things requisite for execution of the same. And in case, after settling of the saids prices by the Lords of Council, any Brewar shall cease from, and give over their brewing or venting of Ale or Beer, His Majesty, with advice foresaid, Declares, that they shall not be permitted or allowed to brew or vent any Ale or Beer for the space of one year thereafter, and shal be further lyable to such pains and punishments, as the Lords of Council shall think fit. And further, His Majesty taking to consideration, that by the twenty ninth Act of the first Parliament of King James the sixth, Maltmen are declared to be no Craft, and discharged to have a Deacon; Which Act of Parliament, His

Majesty, with advice foresaid Ratifies and Approves, and Ordains the same to stand in full force and effect in all time coming. And that notwithstanding of the said Act, and expressly contrair thereto, The Provost and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thousand six hundred and fourty six, ranked Maltmen amongst one of their Trades and Callings, discharged any to be admitted thereto within their Burgh of *Leith*, but by their Licence, with consent of the Calling; and have constituted a Box-master amongst them, and granted liberty to them to meet and keep correspondence, providing the Water-Bailiff be present with them: Therefore, His *Majesty* and Estates of Parliament not only Declares the said pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the same to be razed out of their Registers; but discharges the said Town, or any other Burgh within the Kingdom, ever to presume to do the like again; And Ordains the said Box to be broken, and the Office of Deacon, Visitor, Box-master, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Maltmen, to cease at *Leith*, and in all other Burghs, Towns and Places in the Kingdom: With certification, that if they shall be found hereafter to meet and keep correspondence amongst themselves, upon whatsoever pretence, either at *Leith*, *Edinburgh*, or in any other Burgh, Town or Place, ilk person so meeting shall be lyable in the penalty of five hundred Merks *tobacco*, whereof the one half to be payed to the informer, he proving the same before the Council; and this by and attour such personal punishment, as the Lords of Privy Council shall think fit to inflict.

ACT

XVI.

ACT for repairing High-ways and Bridges.

December 23. 1669.



OUR Sovereign Lord considering how necessary it is for the good of the people, that High-ways be made and maintained for ready and easie Passage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Justices of Peace, hath yet for the most part proven ineffectual, in regard the saids Justices have not had special Orders and Warrands for that effect. For remeid whereof, His Majesty, with advice and consent of the Estates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputies, being alwayes an Heretor therein, and the Justices of Peace in each Shire, to convene at the head Burgh of the Shire upon the first Tuesday of May yearly, for ordering of High-ways, Bridges and Ferries; With power to them, or major part of them that shall happen to convene, to set down a particular List of the High-ways, Bridges and Ferries within their bounds, and to divide the Paroches of the saids bounds as they lye most to the severall High-ways to be repaired, and as they may have the most equal burden, and to appoint such of their number or other Overseers of such parts and portions of the saids High-ways, as are most convenient and nearest to their ordinary residence, and to nominate such of their number as they see fit, to survey and give an account of the High-ways, Bridges and Ferries unto the rest; with power to them to appoint Meetings from time to time, till the said Survey, List and Division of the saids High-ways be cloted: Which persons, or any one of them to whom the particular portions of the saids High-ways shall be committed, are hereby authorized and strictly required, to call and convene all Tennants and Cottars and their Servants, within the bounds appointed for their parts of the High-ways, by publick intimation at the Paroch-Kirks upon the Sabbath day, immediatly after the first Sermon, or any other way that they shall think fit, to have in readines Horses, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and such other instruments as shall be required, for repairing of the saids High-ways, and to convene at such places thereof as they shall be required, and in such proportion and with such furniture as the

saids Justices or Overseers shall appoint, and that in the most equal and proportionable way, as the saids Justices and Overseers will be answerable. With power to them to design such of the saids persons as they find to be most skillful, to attend and direct the rest, and to appoint them fit Wages for their attendance; providing that the dayes they are required to work do not exceed the number of six dayes for Man and Horse yearly for the first three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-seed yearly, and Hay-time or Harvest thereafter: With power to the saids Justices or Overseers to poind the readiest Goods of the absents, for twenty shillings Scots money for the absence of ilk Man daily, and thirty shillings for the Man and Horse, without further solemnity but apprising the same upon the ground of the Land, and therewith to hire others in place of the absents; and in case the saids absents shall have no poindable Goods, to punish them in their persons as they shall see cause. Which High-ways shall be twenty foot of measure broad at least, or broader, if the same have been so of before, and shall be so repaired, that Horses and Carts may travel Summer and Winter thereupon: and if any part of the saids High-ways cannot well be continued as now they are, but require to be changed, the saids Justices shall appoint three of their number to visit the places where the High-ways need to be changed, and to set down Meiths for the new Way in place thereof, and upon Oath to estimate the damage of the parties prejudged thereby, and to deliver the same to them in writing under their hands, to the effect the same may be satisfied by the whole Shire, in manner after-specified. Which Justices are Ordained again to convene at the head Burgh of the Shire the first Tuesday of *June* yearly, and thence every Tuesday from fourtnight to fourtnight, at such places as shal be by them appointed during the Moneths of *June* and *July*, for three years next ensuing, for taking account of the said several Justices and Overseers of the respective proportions of High-way committed to them, and to fine those Justices and Overseers who shal failzie; still increasing the saids fines till they give obedience and perform their part, and to poind therefore upon the ground of the Lands where their Goods shall be found, without further solemnity. With power also to the saids Justices to visit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correspond with the Justices of the other Shire, to the end they may appoint fit and sufficient Boats, and convenient Landing places; and so to regulate all things concerning the Ferries, as His *Majesties* Lieges may be readily and conveniently served, and at reasonable rates, and to punish all such as shall neglect or transgress the Rules set down by them to the effect foresaid.

And

And because the work of the inhabitants within the several bounds, will not be able sufficiently to repair the High-ways and others foresaid ; Therefore, His Majesty, with advice and consent of the said Estates , doth hereby authorize and require the whole Free-holders and Heretors of the several Shires , to convene at the respective head Burghs the said first Tuesday of *June* yearly, and to call for an accompt from the Justices of Peace of what is needful for reparation of the High-ways and others foresaid, and what charges and expenses is requisite for promoting thereof ; and for making or repairing Bridges and Ferries where they shall be found needful, and accordingly to stent the Heretors of the said Shire, comprehending the Heretors of the Burroughlands therein, in what shall be found necessary for the effect foresaid, not exceeding ten shillings *Scots* upon each hundred pound of valued Rent in one year, which is to be uplifted by the saids Justices of whom they shall appoint , be pointing as said is, and employed for the use foresaid ; and of which they shall be obliged to give an accompt to the saids Heretors at the next *Michaelmas* head Court yearly. Likeas, His Majesty, with consent foresaid, prohibits and discharges all persons whatsoever to break or abuse the saids High-ways by plowing up any part thereof, laying stones, rubbish or dung thereon, or any way breaking or pooling the same, or turning in, or damming water thereupon ; and Ordains the Conveener of the saids Justices at their meeting the said first Tuesday of *May* yearly, to take an Oath of the remanent Justices and of the Constables, of what damage they know done to the High-ways, Bridges or Ferries since the year preceeding, in any of the foresaid particulars prohibited, or any other, and by whom. Upon which, the saids Justices shall convene the transgressors and in case of conviction by oath or witness, shall fine them as they shall see just, and shall point therefore in manner foresaid, and apply the same for the use of the saids High-ways. With power also to the said Justices, to call for an accompt of all Destinations and Mortifications to Bridges, Cause's, Ferries or High-ways , and to cause the intrometters therewith , that have not applied the same to these proper ends, to make payment thereof to such persons as they shall appoint, to be employed to the uses for which the same were destinat. Likeas, His Majesty Ordains the Conveener of the saids Justices to give a particular accompt under his hand , of what progress is made in the reparation of the saids High-ways , Ferries and Bridges , upon the third Tuesday of *July* next to come, and so forth yearly to the Lords of His Majesties Privy Council, who are hereby empowered to grant Letters of Horning and Pointing for the effects foresaid if need be.

And further, His Majesty, with consent foresaid, gives power to the saids Lords of His Majesties Privy Council, to Ordain the
levying

levying of moderat Customs at Bridges, Cauſa's or Ferries for the building, repairing and upholding thereof, in caſe the ſaids Stent ſhall not be able to accompliſh the ſame, and to appoint the endurance thereof as they ſhall ſee cauſe. With power alſo to them, that in caſe the ſaids Juſtices and Heretors failzie in the performance of the things by this Act committed to them, ſo that the High-ways ſhall not be ſufficiently repaired, nor Bridges and Ferries ſufficiently provided for, to take ſuch courſe for making the ſame effectual as they ſhall judge expedient, and to puniſh the ſaids Heretors and Juſtices, as their neglect ſhall deſerve: With power likewayes to the ſaids Lordsof Privy Council, to appoint and commiſſionat Overſeers for putting the pre-miſſes in execution where they ſhall ſee cauſe; which Overſeers ſo appointed, ſhall have the ſame power as is by this preſent Act committed to the Juſtices of Peace foreſaid. And farther, His *Majeſty* Ordains, that where laboured Land lyes upon the ſides of High-ways, the ſaid laboured Land ſhall be fenced with Dike and Ditch or Hedge; yet ſo as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High-way: And in caſe any laboured Land ſo lying ſhal not be fenced betwixt and the firſt day of *Auguſt*, one thouſand ſix hundred and ſeventy one, then and in that caſe, the ſaids Juſtices are hereby authorized and required to cauſe point in manner foreſaid, the Labourers of the ſaid Land for four ſhillings *Scots* for each eln which ſhall not be ſo fenced after the ſaid time, and to apply the ſaid fines for the fencing thereof in manner foreſaid. Likeas, it is hereby Declared, that whatſoever ſtones, rubbiſh, dung or other impediments beis thrown or found lying upon the ſaids High-ways, or water turned in or dammed thereupon, ſhall be eſteemed and held as done by the Labourers of the Land next adjacent to the High-ways where the damage is done, who ſhal be fined therefore be the ſaid Juſtices and Overſeers; Reſerving right to the ſaids Labourers to call before the ſaids Juſtices any other for their relief, who have been the real actors of the ſkaith.

XVII.

A C T anent inclosing of Ground.

December 23. 1669

WHereas by the fourty one Act of the first Session of His Majesties first Parliament, entitled, *An Act for planting and inclosing of Ground*; It is provided, that where Inclosers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor shall be at equal pains and charges in building, ditching, and planting that Dike which divides their Inheritance. And the Estates of Parliament considering the inconveniencey and difficulty the execution of that part of the said Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or incapable of bearing a Dike or receiving a Ditch; or hinders the completing of the Inclosure in an equal line. For remedie whereof, His Majesty, with advice and consent of the said Estates, doth Statute and Ordain, That whensoever any person intends to inclose by a Dike or Ditch upon the March betwixt his Lands and the Lands belonging to other Heretors contiguous thereunto; it shall be lawful to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts or Stewartries, Justices of peace or other Judges Ordinar, to visit the Marches alongst which the said Dike or Ditch is to be drawn, who are hereby authorized, when the said Marches are uneven or otherwayes incapable of Ditch or Dike, to adjudge such parts of the one or other Heretors Ground, as occasion the inconveniencey betwixt them, from the one Heretor in favours of the other, so as may be least to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parts so adjudged *respective* from the one to the other, being estimat to the just avail and compensated *pro tanto*, to decern what remains uncompensated of the price, to the party to whom the same is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, shall remain and abide with the Lands or Tennandries to which they are *respective* adjudged, as parts and pendicles thereof in all time coming.

A C T

XVIII.

ACT aient Adjudications.

December 23. 1669



U R Sovereign Lord taking to consideration, that by several Acts of Parliament and constant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others apprifed, due and payable to the Superior of the faids Lands and others, before he be holden to enter and infect the Compriser; and that there is the same reason in cases of Adjudications as Apprifings. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes, Ordains and Declares, That the Superiors of Lands, Annual-rents and others adjudged, shall not be holden to grant any Charter for infecting the Adjudger, till such time as he be payed and fatisfied of the years Rent of the Lands and others adjudged, in the same manner as in Comprifings; And Declares, that in all cases, Adjudications shall be in the like condition with Comprifings, as to Superiours.

XIX.

ACT concerning the Confirmation and Quots of Testaments.

December 23 1669.



OUR Sovereign Lord, with advice and consent of the Estates of Parliament, Statutes and Ordains, That it shal be lawful to Executors, at the confirmation of the Defuncts Testament, to give up the Debts owing be the Defunct, and that the Quot be only payed for the free Geer (the Debts being always instructed) with power to the saids Executors; for instructing of the saids Debts before the Commissar the time of Confirmation, to cite the Creditors for production of the Bonds and Instructions of their saids Debts; and if the saids Creditors shall not produce the same, and yet shall happen thereafter to seek payment from the Executors, that then and in that case, the Creditors shall be obliged to relieve the Executors of a proportion of the Quot payed by them; effecting to the said Debt, or otherwayes to allow the same to them; And for preventing of all fraud, both the Executors and Creditors shall be holden to make faith; if required, anent the truth and reality of the saids Debts; that they were truly resting unsatisfied the time of the Defuncts decease. And likewayes, Statutes and ordains, That in all time coming, Executors Creditors be free of paying of Quot; in so far as they confirm only for Debts resting to them be the Defunct the time of his decease, and thereupon the saids Executors shall be holden to make faith, if required, notwithstanding of any Instruction produced by them. As also, the Relict confirming her self Executrix Creditrix, and for satisfying of the obliegement of her Contract of Marriage; or other Provision made to her by her Husband where there was no Contract of Marriage; be also free of Quot, in so far as the Inventar extends to five years purchase of the Annual-rent or Life-rent provided to her; and that she shall be lyable and pay Quot for the *superplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themselves Executors Creditors. As likewayes, that poor people, not worth in heretable or moveable Estate forty pounds *Scots* money, have their Confirmation past and registrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen shillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts resting by the Defunct, be Infeiment, Bonds or Contracts bearing obliegement to infect, be not allowed

be the Commissars at the Confirmation, to default off the Inventar in prejudice of the Quot, where there is an heretable Estate belonging to the Defunct to satisfie the heretable Debts, even though the saids Debts be given up by the Defunct himself or his Executor. And likeways, it is Statute and Ordained, that Commisars admit of no division in Testaments, in favours and upon accmpt of the Relict, where by her Contract of Marriage or otherwayes, she is secluded from all part of her Husbands moveables; And if a bipartit or tripartit division be craved be the Executor at the confirmation upon her accmpt, in that case the Procurator Fiscal shal have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the same or any other Writ, she is secluded: And if it appear, either be the said Contract or be any other Writ, or be the Relicts Oath, that she is secluded from the third or half of the moveables, That then the Testament shall be confirmed without division upon her accmpt, and the Quot payed accordingly; And in case there be any exception in the Relicts favours, of the Insight and Household-plenishing, or any part thereof, in that case deduction is only to be granted of the quot, esseiring to the proportion excepted and reserved in her favours. And lastly, His *Majesty*, with advice foresaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any person, at the Procurator Fiscals instance, for giving up of Inventer, but upon a Roll of the persons names to be charged subscribed be the Commislar, and that within the space of three years after the Defuncts decease, after which time it shall not be leisome to give any such Charges of Horning for giving up of Inventer; And for the years preceeding, that they shal only charge for giving up Inventer of the Goods of such Defuncts who have decessed since the year, one thousand six hundred and sixty. And Ordains, That Letters of Caption shall not be used against any of His *Majesties* Lieges for not confirming of Testaments, but where the Letters of Horning have been execute against the parties personally, or at their Dwelling-houses and Paroch-Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commisars of the respective Diocesses, to keep Circuit Courts the time of the Spring and Harvest Vacance, for confirmation of Testaments at such convenient places in ilk Presbytery, as may be most conducing to the good and ease of the Lieges; and whereunto they are to be cited personally, or at their Dwelling-places and Paroch-Kirks as said is, to the end and effect foresaid: With certification, that if the Commislar, Commislar-clerk, Procurator Fiscal, or any other Member of Court, contraveen this Act, the contraveener shall suffer deprivation of his Office, and never be re-admitted thereto again; beside satisfaction to the party grieved, of any damage sustained by him there-through.

XX.

A C T for in-bringing of publick Dues from
the Northern Shires.

December 23. 1669



U R Sovereign Lord considering, that divers persons within the Shires of Ross, Sutherland, Caithness, Argyl, Inverness and Burghs within the same, are in arrear, and deficient in payment of a considerable part of the Annuity of Excise, granted to His Majesty in the year one thousand six hundred and sixty one, the Taxation and assessment imposed by the Conventions of Estates in the years, one thousand six hundred and sixty five, and, one thousand six hundred and sixty six notwithstanding of all legal diligence used for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the said Annuity of Excise in time coming, His Majesty, with advice and consent of the Estates of Parliament, doth Statute, Ordain and Declare, That the persons deficient and in arrear of the foresaid Annuity of Excise, Taxation and Assessment in the said Shires, and Burghs within the same, preceeding the Month of November last, and who shal not pay in the same according to their respective proportions, to the Receivers and Collectors thereof, betwixt and the first day of June next to come, shal be lyable in double payment of all such deficiency and arrear, without any manner of defaultation. And farther Declares, that if for the future, three quarters payment of the said Annuity of Excise in the said Shires, shall happen to run in the fourth unpayed (the feast and term of Candlemas next ensuing being the first terme) Then and in that case, such Shires, Burghs and Persons therein so deficient, shall be lyable in payment of the double of the whole years Annuity of Excise, *toties quoties*, and all execution personal and real shall be used against them therefore. And His Majesty and Estates of Parliament doth hereby Declare, That this present Act or any thing therein contained, shall no wayes liberate the Commissioners of Excise for the said respective Shires and Burghs, from being lyable in the single payment allannerly of the said Annuity of Excise; but that they shall still stand obliged therefore as formerly, in maner contained in the Act of Parliament made thereanent.

XXI,

ACT Salvo jure cujuslibet.

December 23. 1669.



OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in maner foresaid, shal not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuslibet.*

XVII.


ACT of Adjournment.

December 23. 1669



THE Kings Majesty Declares this Parliament current, and adjourns the same to the eight of June next to come; Ordaining all the Members of Parliament to attend that day, and that there be no new Election of Commissioners from Shires or Burroughs, except upon the Death of some of the present Commissioners.

A LIST of the Printed ACTS past in the
PARLIAMENT, kepted at *Edinburgh* in
October, 1669.

	C T asserting His Majesties Supremacy over all Persons and in all Causes Ecclesiastical.	Page 3
	2. Act concerning the Militia.	5
	3. Act for registration of Instruments of Re- signation ad remanentiam.	9
	4. Act concerning poinding before the dayes of the Charge expire.	ibid.
	5. Act for the security of the persons of Minister-.	10
	6. Act for the ordering of Suspensions of the Benefices and Sti- pends of the Clergy.	11
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	10. Act concerning Interruptions.	19
	11. Act concerning the forfeiture of persons in the late Rebellion.	20
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	15. Act for regulating the prices of Ale and Drinking-beer, and Malmen.	33
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	18. Act concerning adjudications.	40
	19. Act concerning the Confirmation and Quots of Testaments.	41
	20. Act for inbringing of publick Dues from the Northern Shires.	43
	21. Act Salvo jure cujuslibet.	44
	22. Act of Adjournment.	ibid.

*A LIST of the Acts and Ratifications past in
in this first Session of His Majesties second
Parliament, and which are not here printed.*



Protestations by some Noblemen, and others, Commissioners from Shires and Burghs, concerning their precedency in the Rolls of Parliament.

His Majesties Letters to the Parliament, concerning the Union of the Kingdoms of Scotland and England, with the Parliaments Answers.

Act anent the election of Commissioners from Shires.

Act for continuing the Imposition for upholding the Cause of Couiementh.

Acts for yearly Fairs and Weekly Mercats to some Noblemen and others.

Protestation by the Earl of Nithisdale, that the forfeiture of Mcklelland of Batmagachan should not prejudice him.

Protestation by the Vassals of Orkney, that they be not prejudged be the present annexation thereof to the Crown.

Protestation in name of the Duke of Lenox, that this annexation do not prejudice his right of Admiralty in Orkney.

Protestation by the Lord Advocate contra these two Protestations Commission anent the regulation of the Commislar and Sheriff-Courts, and other inferiour Courts of Justice.

Act suspending the payment of publick Debts.

Protection to William Dick.

Ratification in favours of the Duke and Dutchess of Hamilton.

Protestation by the Town of Einlishgow against the same.

Protestation by the Duke of Hamilton in the contrair.

Two Ratifications in favours of the Earl of Argyll.

Protestations be the Earl of Errol and others against the same.

Protestation be the Earl of Argyll in the contrair.

Ratification in favours of the Lord Newbyth.

Ratification in favours of Mr. John Young of Leny.

Ratification in favours of Thomas Moncrief of that ilk.

Ratification in favours of the Earl of Kellie.

Ratification in favours of the Lord Stair.

Ratification in favours of Sir Andrew Fletcher of Aberlady.

Ratification in favours of Mr. Andrew Oswald and his Son.

Two Ratifications in favours of Sir John Nicolson of that ilk.

Ratification in favours of Mungo Graham of Gorthie.

Ratification in favours of the Archbishop of St. Andrews.

Ratification

A List of the un-printed Acts.

Ratification in favours of the Earl of Perth.
 Ratification in favours of the Earl of Roxburgh.
 Ratification in favours of Sir *Alexander Frazer of Dorrs*.
 Ratification in favours of Sir *Robert Cunningham of Achinbaroy*.
 Ratification in favours of *William Murray of Ochertyre*.
 Ratification in favours of Sir *James Drummond*.
 Ratification in favours of Sir *John Forbes of Wattertown*.
 Protestation in name of the Town of *Aberdeen* against the same.
 Ratification in favours of the Earl of *Tweedale*.
 Ratification in favours of Sir *Hary Bruce of Clackmannan*.
 Ratification in favours of Sir *Alexander Don of Newtown*.
 Ratification in favours of Sir *Patrick Home of Polwart*.
 Ratification in favours of Sir *Charles Erskine of Cambo*.
 Ratification to him of his Office of *Lyon King at Arms*.
 Ratification in favours of Sir *Philip Anstruther*.
 Ratification in favours of *David Fotheringham of Pomrie*.
 Ratification in favours of the Earl of *Middleton*.
 Ratification in favours of the Earl of *Dundonald*.
 Ratification in favours of the Lord *Lee*.
 Ratification in favours of Sir *John Keith of Caskieben*.
 Ratification in favours of the Master of *Ros*.
 Ratification in favours of *John Forbes of Cullodin and his Son*.
 Ratification in favours of *David Blair of Adamtown*.
 Ratification in favours of *William Hamiltoun of Wisbaw*.
 Ratification in favours of *George Dundas of that ilk*.
 Ratification in favours of Sir *William Ker of Hadden*.
 Ratification in favours of *Thomas Boyd of Pinkill*.
 Ratification in favours of the Minister of *North-Lieth*.
 Ratification in favours of *Hugh Wat*.
 Ratification in favours of the Town of *Bervie*.
 Ratification in favours of Sir *Adam Blair of Carberry*.
 Ratification in favours of *George Fullerton*.
 Ratification in favours of *David Philp of Overcarnbie*.
 Ratification in favours of Mr. *Robert Deens of Longbirdmiston*.
 Ratification in favours of the Earl of *Annandale*.
 Protestation in name of the Viscount of *Stormont* against it.
 Protestation be the Earl of *Annandale* in the contrair.
 Ratification in favours of Sir *John* and Sir *Robert Dalryells*.
 Ratification in favours of Mr. *John Wisbart*.
 Ratification in favours of the Earl of *Linlithgow*.
 Ratification in favours of Sir *John Nisbet*, Lord Advocat.
 Ratification in favours of *Alexander Brodie of Letham, &c.*
 Ratification in favours of Sir *William Purves of Woodhouslee*.
 Ratification in favours of the Girdle-makers of *Culross*.
 Ratification in favours of *James Stewart of Torrence*.

Ratification

A List of the un-printed Acts.

Ratification in favours of the Lord *Drumhaurig*.
Ratification in favours of the Viscount of *Stormont*.
Ratification in favours of Lieutenant-General *Drummond*.
Ratification in favours of Sir *William Bruce* of *Balcaskie*.
Ratification in favours of the City of *Glasgow*.
Protestation be the Town of *Raglin* against it.
Ratification in favours of the Town of *Ferfar*.
Ratification in favours of Mr. *Andrew Burnett* of *Warriston*.
Ratification in favours of Sir *John Aitoun* of that ilk.
Remit for the Viscountess of *Stormont*, Lord *Drumhaurig* and
Laird of *Ednew*.
Act for an Imposition to be uplifted at the North-water Bridge.
Prorogation of the Imposition for the Bridge of *Sanctiandhall*.
Act for changing the Way at *Walter Chiefties* House at *Dalry*.
Recommendation for the Heretors of the Sheriffdom of *Berwick*
concerning their fishing on *Tweed*.
Commissions for the fishings in the Waters of *Spey* and *Don*.
Act anent the Fishings on *Spey*, &c.
Commission for improving of Trade.
Act discharging the Custom of *Books*.
Act anent the Kirks of *Kinnell* and *Burroughstonweirs*.
Act concerning the Losses of the Town of *Dundee*.
Recommendation in favours of the Masters of the *Scotts* Incorporation at *London*.
Continuation of the *Lady Brunfords* business.

F I N I S.

